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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,313	10/24/2005	Kenji Sakuda	Q85635	6902
72875	7590	04/07/2009		
SUGHRUE MION, PLLC			EXAMINER	
2100 Pennsylvania Avenue, N.W.			YANG, QIAN	
Washington, DC 20037				
			ART UNIT	PAPER NUMBER
			4112	
NOTIFICATION DATE	DELIVERY MODE			
04/07/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com  
kghyndman@sughrue.com  
USPatDocketing@sughrue.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,313	<b>Applicant(s)</b> SAKUDA, KENJI
	<b>Examiner</b> QIAN YANG	<b>Art Unit</b> 4112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 March 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) 1-8 and 13-15 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 1/25/2005

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it is two paragraphed and more than 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (US Patent Application Publication 2002/0105669), hereinafter referred as Watanabe.

Regarding claim 9, Watanabe discloses a digital camera. Specially, Watanabe discloses a host apparatus (digital camera) creating print data to be sent to a printer, the host apparatus being characterized in that it comprises:

print instruction means for sending the print data to the printer and causing printing (S1 in Fig. 2, described in paragraph 0028);

and

cancellation means for, in the event that a prescribed print cancellation condition exists (described in paragraph 0109, "predetermined voltage"), requesting cancellation

of printing in units of pages at the printer such that printing continues until page currently being printed is completed (described in paragraph 0109-0114, However, Watanabe fails to disclose wherein requesting cancellation of printing in units of pages at the printer such that printing continues until page currently being printed is completed.

However, the examiner maintains that it is well known in the art that when requesting cancellation of printing has already sent to the printer, printing continues until page currently being printed is completed. It would have been obvious to one of ordinary skill in the art to implement the well known feature for the purpose of smoothly finishing the printing.

Regarding claim 10, Watanabe discloses everything claimed as applied above (see claim 9), wherein the prescribed print cancellation condition is:  
whether a battery charge level of an internal battery has decreased to a preestablished prescribed value (described in paragraph 0109, "predetermined voltage or lower"); or  
whether a user has issued a printing interruption instruction; or  
whether a battery charge level of an internal battery has decreased to a preestablished prescribed value and a user has issued a printing interruption instruction.

Regarding claim 11, Watanabe discloses everything claimed as applied above (see claim 9), further comprising

storage means for storing interruption location information obtained from the printer indicating a location at which printing was interrupted pursuant to the request for cancellation of printing (described in paragraph 0109, "the printing is halted and interrupt information with which where the printing has been performed can be identified is stored in the EEPROM 504 of the camera");

wherein the prescribed print cancellation condition is whether a battery charge level of an internal battery has decreased to a preestablished prescribed value (described in paragraph 0109); and

the print instruction means, in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, causes the interrupted printing to resume based on the stored interruption location information (described in paragraph 0115-0116).

Regarding claim 12, Watanabe discloses everything claimed as applied above (see claim 9), wherein:

the prescribed print cancellation condition is whether a battery charge level of an internal battery has decreased to a preestablished prescribed value (described in paragraph 0109); and

the print instruction means, in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, obtains, from the printer, interruption location information indicating a location at which printing was

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interrupted pursuant to the request for cancellation of printing, and causes the interrupted printing to resume based on this interruption location information (described in paragraph 0115-0116).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QIAN YANG whose telephone number is (571)270-7239. The examiner can normally be reached on Monday-Friday 8:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Harold can be reached on 5712727519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QIAN YANG/  
Examiner, Art Unit 4112

/Q. Y./  
Examiner, Art Unit 4112

/Tse Chen/  
Primary Examiner